

August 20, 2005

Filed Electronically via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, Maryland 20743

RE: Creation of a Low Power FM Radio Service
MM Docket 99-25
Further Notice of Proposed Rulemaking

Dear Ms. Dortch:

The use of FM and television translators was pioneered by Montana broadcasters more than a half a century ago. In fact the National Translator Association was started in Montana and Montana's first local option tax was approved in order to provide a mechanism for rural communities to fund translator districts in order to receive Montana news, weather, sports and emergency programming.

FM translators remain a very vital part of the broadcast fabric in Montana. In Missoula, for example, KUFM, the NPR affiliate which I once managed, uses a translator to fill in a major hole in the downtown and I-90 corridor area caused by a mountainous ridge between the station's tower on Big Sky Mountain and the city center. The same is true for three other commercial FMs that are also located at that site. Without translators none of these stations would adequately serve either the city center or the campus of the University of Montana. KEMC, the NPR affiliate in Billings, maintains a network of some 25 translators to provide public radio to most of eastern Montana.

In rural and mountainous areas translators are the only way to insure full coverage in many stations' primary contour. They also provide the only cost effective way to provide regional and state-wide programming to many small communities that are too small to support their own stations and would otherwise have no access to state emergency information, EAS, Amber Alerts or state news. To relegate FM translators to a secondary service in favor of LPFM is a premature move designed to fix a perceived problem which, quite frankly, simply does not exist. If the Commission is concerned that a few individuals or groups are applying for large numbers of translators then you should deal with that problem, not kill the translators that have provided a needed and vital service for decades.

This could be accomplished by limiting translators to those stations retransmitting in-state stations (or a neighboring border state) and eliminating the trafficking of translators by making the licenses non-transferable.

LPFM is a still unproven service. If Montana is any example then the Commission has much work yet to do to insure that LPFMs are even operating legally. We have sent two complaints about an LPFM that is operating well above authorized power and as a full commercial operator. We even included the audio files of the commercial programming and, to date almost one year later, no action has been taken. Frankly we were not surprised when this happened since the licensee is not even qualified under the Commission's own rules to have received a license in the first place. We do not oppose the LPFM service; we simply believe that the Commission should enforce its own rules pertaining to LPFMs before ever considering giving it a preferred status above translators.

Placing LPFM service above FM translators is, as we might say here in Montana, akin to shooting flies with a .44 magnum—it is

unnecessary, unwarranted and the potential damage vastly outweighs any perceived benefit.

Sincerely,

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